

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

TROOPER 1,

Plaintiff,

v.

NEW YORK STATE POLICE, ANDREW CUOMO, MELISSA DEROSA and RICHARD AZZOPARDI,

Defendants.

DECLARATION OF CATHERINE M.
FOTI IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS

Case No.: 22-cv-00893 (LDH) (TAM)

CATHERINE M. FOTI, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and am admitted to practice before this Court. I am a Principal with the law firm Morvillo Abramowitz Grand Iason & Anello P.C., attorneys for Defendants Melissa DeRosa and Richard Azzopardi in this matter.

2. This Declaration is respectfully submitted in support of Defendants' motion to dismiss.

3. Annexed hereto as **Exhibit 1** is a true and correct copy of Trooper 1's Testimony Transcript dated May 19, 2021, from the Independent Investigation into Sexual Harassment Allegations Against Former Governor Andrew Cuomo, retrieved from the New York Attorney General's website on July 15, 2022.

4. Annexed hereto as **Exhibit 2** is a true and correct copy of Melissa DeRosa's Testimony Transcript dated July 5, 2021, from the Independent Investigation into Sexual Harassment Allegations Against Former Governor Andrew Cuomo, retrieved from the New York Attorney General's website on July 15, 2022.

5. Annexed hereto as **Exhibit 3** is a true and correct copy of the New York Attorney General's Report of Investigation into Allegations of Sexual Harassment by Governor Andrew M. Cuomo dated August 3, 2021, retrieved from the New York Attorney General's website on July 15, 2022.

6. Annexed hereto as **Exhibit 4** is a true and correct copy of Richard Azzopardi's Testimony Transcript from June 23, 2021, from the Independent Investigation into Sexual Harassment Allegations Against Former Governor Andrew Cuomo, retrieved from the New York Attorney General's website on July 15, 2022.

7. Annexed hereto as **Exhibit 5** is a true and correct copy of Exhibit 31 of Appendix Volume I of III to the Report of Investigation into Allegations of Sexual Harassment by Governor Andrew M. Cuomo, retrieved from the New York Attorney General's website on July 15, 2022.

8. Annexed hereto as **Exhibit 6** is a true and correct copy of the letter from September 28, 2021 from Valdi Licul (counsel for Plaintiff) to Benjamin E. Rosenberg (counsel for Ms. DeRosa) dated September 28, 2021.

9. Annexed hereto as **Exhibit 7** is a true and correct copy of the final version of the letter (unsigned) from Benjamin E. Rosenberg to Valdi Licul dated October 4, 2021.

10. Annexed hereto as **Exhibit 8** is a true and correct copy of the text from the *New York Post* article *Ex-Gov. Cuomo, married aide DeRosa allegedly caught 'making out': trooper* dated November 12, 2021 and image of the *New York Post* cover from November 13, 2021, featuring the article, retrieved from the *New York Post* website on July 15, 2022.

11. Annexed hereto as **Exhibit 9** is a true and correct copy of the Impeachment Investigation Report to Judiciary Committee Chair Charles Lavine and the New York State Assembly Judiciary Committee dated November 22, 2021, retrieved from the New York Assembly website on July 15, 2022.

12. Annexed hereto as **Exhibit 10** is a true and correct copy of Richard Azzopardi's tweet dated February 17, 2022, 7:39 PM, retrieved from Twitter on July 15, 2022.

13. Annexed hereto as **Exhibit 11** is a true and correct copy of Richard Azzopardi's tweet dated February 17, 2022, 9:36 PM, retrieved from Twitter on July 15, 2022.

14. Ms. DeRosa and Mr. Azzopardi join in former Governor Andrew Cuomo's Motion to Dismiss and incorporate by reference the legal arguments made in Governor Cuomo's motion to the extent those arguments apply to the claims against Ms. DeRosa and Mr. Azzopardi.

Dated: July 15, 2022
New York, New York

Respectfully submitted,

**MORVILLO ABRAMOWITZ
GRAND IASON & ANELLO P.C.**

By: /s/ Catherine M. Foti

Elkan Abramowitz
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